

Notice of Allowability

Application No.

09/772,322

Examiner

John B. Vigushin

Applicant(s)

DETCHEVERRY ET AL.

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 24 March 2003.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 26 January 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

1. The present Office Action is responsive to Applicant's Amendment filed March 24, 2003 (mailing date: March 18, 2003). The Examiner acknowledges the amendments to Claims 1-10, and Claims 1-10 remain pending in the instant amended Application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

A) In the Specification:

On p.1, before line 1, --FIELD OF THE INVENTION-- has been inserted.

On p.1, before line 12, --BACKGROUND OF THE INVENTION-- has been inserted.

On p.1, after line 25 and before the next-to-last line of the page --SUMMARY OF THE INVENTION-- has been inserted.

On p.8, before line 13, --BRIEF DESCRIPTION OF THE DRAWINGS-- has been inserted.

On p.8, before line 28, --DETAILED DESCRIPTION OF THE INVENTION-- has been inserted.

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B) In the Abstract:

On p.16, before line 1, "Transponder and appliance" has been deleted and replaced by --ABSTRACT--.

C) In the Claims:

In amended Claim 9, line 4: "another" has been changed to --other--.

Allowable Subject Matter

3. Claims 1-10 have been allowed.

4. The following is an examiner's statement of reasons for allowance:

As to Claim 1, patentability resides in *the limitation wherein second patterned layer comprises the second capacitor electrode and a first electrode of the integrated circuit, which enables the integrated circuit to be processed on the second layer*, in combination with the other limitations of the claim.

As to Claims 2, 3, 4 and 9, patentability resides in that *the first patterned layer comprises the first and a third capacitor electrode, the second patterned layer comprises a fourth capacitor electrode and the third and fourth capacitor electrodes form a second capacitor in conjunction with the second layer of dielectric material*, in combination with the other limitations of base Claim 2.

As to Claims 5-8, patentability resides in that *the stack--which includes a semiconductor layer, a third layer of dielectric material, and a third patterned electrically conductive layer that comprises the second electrode of the integrated circuit--is present on the second patterned layer*, in combination with the other limitations of base Claim 5.

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Claim 10 depends from any one of the preceding Claims 1-9 and therefore is allowable for the same reasons as base Claims 1, 2 and 5, respectively.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Claims 1, 2-4, 9, 5-8 and 10 of the instant allowed Application have been renumbered as Claims 1-10, respectively, for publication in the issued patent.

Regarding Claim to Priority Under 35 USC § 119(a)-(d)

7. The following foreign priority document has NOT been received in the instant Application file: **EPO Application No. 00200471.1** (*filing date: 14 February 2000*).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Vigushin whose telephone number is 703-308-1205. The examiner can normally be reached on 8:30AM-5:00PM Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7382 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

John B. Vigushin
Examiner
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jbv
July 15, 2003



DAVID L. TALBOTT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800